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Attorneys for Defendant

U.S. DISTRICT COURT
DISTRICT OF IDAHO
02 AUG 21 PM 6:00
CLERK OF COURT
JAMES L. HARRIS

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

KIMBERLEY SMITH, MICHAEL B.)	Case No. CIV 01-0244-S-BLW
HINKLEY, JACQUELINE T. HLADUN,)	
MARILYN J. CRAIG, JEFFERY P.)	DECLARATION OF WILLIAM C.
CLEVENGER, and TIMOTHY C.)	BRAKEMAN
KAUFMANN, individually and on behalf of)	
those similarly situated,)	
)	
Plaintiffs,)	
vs.)	
)	
MICRON ELECTRONICS, INC., a)	
Minnesota corporation,)	
)	
Defendant.)	

STATE OF MINNESOTA)	
)	ss.
County of Hennipen)	

I, William C. Brakeman, being first duly sworn, state that the following facts are true and correct. The following facts are based upon my personal knowledge. If called to testify regarding these facts, I am competent to do so and would testify as follows:

1. From approximately April of 1998 through May of 2001, I worked for Micron Government Computer Systems, Inc. ("MGCS") as a Department of Defense supervisor in Federal sales.

2. When I was a supervisor the inside sales representatives on my team were subject to the timekeeping and overtime policies of Micron Electronics, Inc. ("Micron Electronics"). I have read and reviewed the overtime policies in the Team Member Handbook and Micron's Employment Policy Manual and they are consistent with the practices I followed when I was a supervisor.

3. As a Department of Defense supervisor in Federal sales, I understood that MGCS was a separate subsidiary with its own compensation plan, commissions, incentives, business hours and customers. We serviced customers who were with the Department of Defense as well as some Air Force customers. The busy season was from July to September.

4. During my employment with MGCS as a Department of Defense supervisor in Federal sales, I usually reviewed the time submitted by the inside sales representatives on my team approximately 40% of the time. At all times, I believed it was an inside sales representative's responsibility to accurately record his or her time.

5. During my employment with MGCS as a Department of Defense supervisor in Federal sales, I never manually went into the system and changed an inside sales representative's time. I did, on occasion, have to make a request to the payroll department that someone's time be changed because, for example, the employee might have been ill on a particular day and didn't have time or weren't available to put in the correct hourly information.

6. During my employment with MGCS as a Department of Defense supervisor in Federal sales, I do not know of any of the inside sales representatives on my team working off the clock, or not properly recording all of their time.

7. I never told anyone on my Federal sales team to work off the clock, and no one on my team ever told me they were not recording all of their time.

8. I am no longer employed with any company that is owned or operated by Micron Electronics.

DATED this 21st day of August, 2002.



William C. Brakeman

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of August, 2002, a true and correct copy of the foregoing **DECLARATION OF WILLIAM C. BRAKEMAN** was served on the following individuals by the manner indicated:

William H. Thomas
Daniel E. Williams
HUNTLEY, PARK, THOMAS,
BURKETT, OLSEN & WILLIAMS
250 S. Fifth Street, Suite 660
Boise, Idaho 83701-2188

☐ By Hand Delivery
☒ By Facsimile
☒ By U.S. Mail
☐ By Overnight Delivery


Kim J Dockstader